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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 121018563-3148-02]

RIN 0648-XC971

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; reallocation.

SUMMARY: NMFS is reallocating the projected unused amounts of Pacific cod from catcher vessels using jig gear, catcher vessels greater than 60 feet (18.3 meters) length overall (LOA) using pot gear, and catcher vessels using trawl gear to catcher vessels less than 60 feet (18.3 meters) LOA using hook-and-line or pot gear, American Fisheries Act (AFA) catcher/processors (C/P), Amendment 80 (A80) C/Ps, C/P vessels using pot gear, and C/P vessels using hook-and-line gear in the Bering Sea and Aleutian Islands management area. This action is necessary to allow the 2013 total allowable catch of Pacific cod to be harvested.

DATES: Effective November 15, 2013, through 2400 hrs, Alaska local time (A.l.t.), December 31, 2013.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907-586-7269.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the Bering Sea and Aleutian Islands (BSAI) according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2013 Pacific cod total allowable catch (TAC) specified for vessels using jig gear in the BSAI is 751 metric tons (mt) as established by the final 2013 and 2014 harvest specifications for groundfish in the BSAI (78 FR 13813, March 1, 2013) and reallocations (78 FR 53076, August 28, 2013). The Administrator, Alaska Region, NMFS, (Regional Administrator) has determined that jig vessels will not be able to harvest 700 mt of the remaining 2013 Pacific cod TAC allocated to those vessels under § 679.20(a)(7)(ii)(A)(1).

The 2013 Pacific cod TAC specified for catcher vessels greater than or equal to 60 feet LOA using pot gear in the BSAI is 19,434 mt as established by the final 2013 and 2014 harvest specifications for groundfish in the BSAI (78 FR 13813, March 1, 2013). The Regional Administrator has determined that catcher vessels greater than or equal to 60 feet LOA using pot gear will not be able to harvest 6,000 mt of the remaining 2013 Pacific cod TAC allocated to those vessels under § 679.20(a)(7)(ii)(A)(5).

The 2013 Pacific cod total allowable catch (TAC) specified for catcher vessels using trawl gear in the BSAI is 46,812 metric tons (mt) as established by the final 2013 and 2014 harvest specifications for groundfish in the BSAI (78 FR 13813, March 1,

2013) and sector reallocations (78 FR 552868, August 27, 2013, and 78 FR 58955, September 25, 2013). The Regional Administrator has determined that catcher vessels using trawl gear will not be able to harvest 3,000 mt of the remaining 2013 Pacific cod TAC allocated to those vessels under § 679.20(a)(7)(ii)(A)(9).

Therefore, in accordance with § 679.20(a)(7)(iii)(A) and § 679.20(a)(7)(iii)(B), NMFS reallocates 9,700 mt of Pacific cod to catcher vessels less than 60 feet (18.3 meters) LOA using hook-and-line or pot gear, AFA C/P vessels, A80 C/P vessels, C/P vessels using pot gear, and C/P vessels using hook-and-line gear in the Bering Sea and Aleutian Islands management area.

The harvest specifications for Pacific cod included in the final 2013 harvest specifications for groundfish in the BSAI (78 FR 13813, March 1, 2013) are revised as follows: 51 mt for catcher vessels using jig gear, 13,434 mt for catcher vessels greater than or equal to 60 feet LOA using pot gear, and 43,812 mt for catcher vessels using trawl gear, 9,177 mt for catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear, 6,740 mt for AFA C/P vessels, 37,212 mt to A80 C/P vessels, 6,070 for C/Ps using pot gear, and 115,171 to C/Ps using hook-and-line gear.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most

recent fisheries data in a timely fashion and would delay the reallocation of Pacific cod specified from other sectors to catcher vessels less than 60 feet (18.3 meters) LOA using hook-and-line or pot gear, AFA C/P vessels, A80 C/P vessels, C/Ps using pot gear, and C/Ps using hook-and-line gear in the Bering Sea and Aleutian Islands management area. Since these fisheries are currently open, it is important to immediately inform the industry as to the revised allocations. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery, to allow the industry to plan for the fishing season, and to avoid potential disruption to the fishing fleet as well as processors. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of November 12, 2013.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 et seq.

Dated: November 15, 2013

Kelly Denit

Acting Deputy Director,

Office of Sustainable Fisheries,

National Marine Fisheries Service.

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